

NOV 08 2006

Application No. 10/028,574
Amdt. Dated: September 21, 2006
Reply to Office Action Dated: August 8, 2006
Customer No.: 24737

REMARKS/ARGUMENTS

The status of the application is as follows:

- Claims 23-31 are newly added.
- Claims 1-4, 8-11, 15-18, and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Harrison (US 5,878,222).
- Claims 5, 12, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow (US 6,601,074).
- Claims 6, 7, 13, 14, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmund et al. (US 6,400,407).

The newly added claims and rejections to the claims are discussed below.

Newly Added Claims

Claims 23-31 have been added to further emphasize various claimed aspects. No new matter has been added. Entry and allowance of these claims is kindly requested in view of the below comments.

Claim 23, which depends from claim 1, recites that the shell executes the script that is stored in the memory when a user manually initiates execution of the script by selecting a script execute option. In contrast, Harrison discloses that a plurality of analyzing units 250 automatically use stored profile information to determine whether decoded video signals include predefined items of interest upon receipt of a plurality of decoded signals from a plurality of decoding units 240. (See column 3, lines 47-54). Harrison does not contemplate storing the profile information and having a user manually initiate execution of the profile information by selecting a script execute option. One reason for this is that the profile information stored in the profile unit 260 is not a script as known in the art and Harrison does not teach a shell as recited in the subject claim.

Claim 24, which depends from claim 1, recites that the shell automatically periodically executes the script to check future programming. As noted above, Harrison teaches that the profile information is used when the plurality of decoded signals is

Page 8 of 12

Docket No.: US010554 (PHB-10-6128)

Application No. 10/028,574
Amdt. Dated: September 21, 2006
Reply to Office Action Dated: August 8, 2006
Customer No.: 24737

received by the plurality of analyzing units 250 to check the received decoded signals. Harrison does not teach or suggest that the profile information automatically periodically executes to check for future programming.

Claim 25, which depends from claim 1, recites that the executing script selects the broadcast programming based on an identity of a viewer. Harrison rather discloses selecting video signals by determining whether a video signal includes an item of interest such as text, numbers, graphics, and URLs. (See column 4, lines 56-60).

Claim 26, which depends from claim 8, recites that the scripting system further includes a script manager that schedules the script for execution. As noted above, the profile information is automatically used when the plurality of analyzing units 250 receive the plurality of decoded signals. Harrison is silent with respect to scheduling a stored script for execution.

Claim 27, which depends from claim 11, recites that the script includes instructions for skipping commercials while recording the selected broadcast programming. Harrison discloses a recording unit 108 for recording programs; however, Harrison does not contemplate using an executing script to skip selectively commercials when recording with the recording unit 108.

Claim 28, which depends from claim 8, recites that the script ranks alternative programs for display or recording by automatically extrapolating from a viewing history of the subscriber's recently viewed programs. Harrison does not teach or suggest such aspects. In contrast, Harrison discloses that the user programs channel priority information. (See column 4, lines 57-64).

Claim 29, which depends from claim 15, recites that the method further includes using the executing script for controlling tradeoffs between recording time, picture quality, and available storage space. Harrison does not contemplate control of such tradeoffs.

Page 9 of 12

Docket No.: US010554 (PHB-10-6128)

Application No. 10/028,574
Amdt. Dated: September 21, 2006
Reply to Office Action Dated: August 8, 2006
Customer No.: 24737

Claim 30, which depends from claim 15, recites that the executing script records a program designated to be displayed instead of displaying the program when the user is concurrently viewing a different program. Harrison teaches that the video signals are provided to the display/record unit based on the user's profile information. Harrison does not contemplate an executing script that makes such claimed decisions.

Claim 31, which depends from claim 22, recites that the shell enters an idle state when a script end time is reached and remains in the idle state until another script is manually selected for execution. As noted above, Harrison does not teach or suggest scripts as claimed, let alone having a user manually initiate execution of the scripts. In addition, the Harrison does not contemplate transitioning a shell into an idle state until the manually initiate execution of a script.

The Anticipation Rejection

Claims 1-4, 8-11, 15-18, and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Harrison (US 5,878,222). This rejection should be withdrawn because Harrison does not teach each and every element as set forth in the subject claims. MPEP §2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

With respect to independent claims 1, 8, 15, and 22, the subject Advisory Action contends that "it is the program that executes the instructions contained in the profile unit that operates as a shell." As noted in the response to the previous Office Action, the Office defines a shell as an interactive program employed to create and run scripts or sequences of instructions or commands for controlling operation of a video receiver. (See Office Action, page 2).

Harrison discloses that a plurality of analyzing units 250 performs the actions stored in the profile unit 260. However, Harrison also discloses that a different component, the arbitrating unit 270, determines which of the video signals identified by

Application No. 10/028,574
Amdt. Dated: September 21, 2006
Reply to Office Action Dated: August 8, 2006
Customer No.: 24737

the plurality of analyzing units 250 is displayed (See column 4, lines 54-56, and column 5, line 66 – column 6, line 5). Therefore, Harrison does not teach or suggest a shell for executing a script to select and resolve conflicts with broadcast programming for demodulation as recited in the subject claims.

Furthermore, neither the analyzing unit 250 nor the arbitrating unit 270 is a shell as known in the art. As disclosed in Harrison, the user enters profile information that is stored in the profile unit 260 and the units 250 and 270 use this data to locate candidate video signals and resolve conflicts between competing channels. The user does not interact with the units 250 and 270 to enter this profile information.

Since Harrison does not teach each and every element as set forth in the subject claims, this rejection should be withdrawn.

Claims 2, 3 and 4, 9, 10 and 11, and 16, 17 and 18, respectively depend from claims 1, 8 and 15, and by virtue of these dependencies, are allowable for at least the reasons discussed above in connection with claims 1, 8 and 15. Therefore, the rejection of claims 2, 3, 4, 9, 10, 11, 16, 17, and 18 should be withdrawn.

The First Obviousness Rejection

Claims 5, 12, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow (US 6,601,074). These claims depend from independent claims 1, 8, or 15, and by virtue of their dependency, this rejection should be withdrawn for at least the reasons discussed above in connection with claims 1, 8, and 15.

The Second Obviousness Rejection

Claims 6, 7, 13, 14, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmund et al. (US 6,400,407). These claims depend from independent claims 1, 8, or 15, and by virtue of their dependency, this rejection should be withdrawn for at least the reasons discussed above in connection with claims 1, 8, and 15.

Conclusion

Page 11 of 12

Docket No.: US010554 (PHB-10-6128)

NOV 08 2006

Application No. 10/028,574
Amdt. Dated: September 21, 2006
Reply to Office Action Dated: August 8, 2006
Customer No.: 24737

In view of the foregoing, it is submitted that the subject claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

DRIGGS, HOGG & FRY CO., L.P.A.



Anthony M. Del Zoppo, III Reg. No. 51,606
Driggs, Hogg & Fry Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Direct all correspondence to:
Yan Glickberg, Registration No. 51,742
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

Page 12 of 12

Docket No.: US010554 (PHB-10-6128)